

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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| <i>In re</i> | : | Chapter 11 |
| FTX TRADING LTD., <i>et al.</i> , ¹ | : | Case No. 22-11068 (JTD) |
| Debtors. | : | (Jointly Administered) |
| | : | Ref. No. 1142, 1143 |

**UNITED STATES TRUSTEE’S REPLY ON MOTION FOR ENTRY
OF AN ORDER SHORTENING TIME FOR THE MOTION OF THE
UNITED STATES TRUSTEE TO CERTIFY DIRECT APPEAL
TO THE COURT OF APPEALS UNDER 28 U.S.C. § 158(d)**

Andrew R. Vara, United States Trustee for Regions Three and Nine (the “United States Trustee”), through his counsel, hereby submits this Reply to the objections filed by the Debtors (Doc. 1152) and the Committee (Doc. 1151) to the United States Trustee’s motion (the “Motion to Shorten”) for entry of an order shortening the time for the Court to consider the Motion of the United States Trustee to Certify Direct Appeal to the Court of Appeals Under 28 U.S.C. § 158(d), Doc. 1142 (the “Motion to Certify”) from this Court’s order denying the request for appointment of an examiner, Doc. 746 (the “Examiner Order”). In support thereof, the United States Trustee respectfully represents:

1. In their objections, the appellees express disappointment that the United States Trustee waited 17 days after filing the notice of appeal of the Examiner Order to ask this Court to

¹ The last four digits of FTX Trading Ltd.’s and Alameda Research LLC’s tax identification numbers are 3288 and 4063, respectively. Due to the large number of debtor entities in these chapter 11 cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.ra.kroll.com/FTX>.

certify for direct appeal. Unfortunately, the appellees misapprehend why the United States Trustee filed his Motion to Certify on March 23. The government has safeguards to ensure that it seeks direct certification only when appropriate. That is why the Department of Justice's Manual, <https://www.justice.gov/jm/civil-resource-manual-99-sgs-guidelines-direct-certified-appeals-bankruptcy-cases>, explains to the public, including these appellees, that only the Solicitor General may authorize a motion to certify. The Solicitor General has now authorized it here and the United States Trustee has promptly filed his motion with this Court. He has done so because the government believes this is one of those infrequent cases where the order entered merits immediate review by the court of appeals.

2. For these reasons, and those set forth in the Motion to Shorten, the United States Trustee respectfully requests that the Court enter an order, substantially in the form attached to the Motion to Shorten, granting (a) the Motion to Shorten so that the Court may rule on the Motion to Certify no later than April 5, 2023, and (b) such other and further relief as the Court may deem proper.

Dated: March 24, 2023
Wilmington, Delaware

Respectfully submitted,

ANDREW R. VARA
UNITED STATES TRUSTEE, Regions 3 and 9

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